

1 IN THE UNITED STATES DISTRICT COURT FOR THE
2 NORTHERN DISTRICT OF OKLAHOMA
3
4

5 W. A. DREW EDMONDSON, in his)
6 capacity as ATTORNEY GENERAL)
7 OF THE STATE OF OKLAHOMA and)
8 OKLAHOMA SECRETARY OF THE)
9 ENVIRONMENT C. MILES TOLBERT,)
10 in his capacity as the)
11 TRUSTEE FOR NATURAL RESOURCES)
12 FOR THE STATE OF OKLAHOMA,)

13 Plaintiff,)
14)

15 vs.)

4:05-CV-00329-TCK-SAJ
16)

17 TYSON FOODS, INC., et al,)
18)

19 Defendants.)
20)
21)
22)
23)
24)
25)

26 - - - - -
27 THE VIDEOTAPED DEPOSITION OF
28 RONALD MULLIKIN, produced as a witness on behalf
29 of the Plaintiff in the above styled and numbered
30 cause, taken on the 14th day of November, 2007, in
31 the City of Tulsa, County of Tulsa, State of
32 Oklahoma, before me, Lisa A. Steinmeyer, a Certified
33 Shorthand Reporter, duly certified under and by
34 virtue of the laws of the State of Oklahoma.
35

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918-587-2878

EXHIBIT

35

1 A No.

2 Q At the time you gave your deposition in that
3 case, were you employed by Peterson Farms?

4 A I was not.

5 Q You previously had been an employee of 02:13PM
6 Peterson Farms?

7 A That's correct.

8 Q And that is the Peterson entity that you were
9 employed by, Peterson Farms, Inc.?

10 A Yes. 02:13PM

11 Q When was that period of employment?

12 A I believe it was from October or November of
13 '97 to approximately August of 2000.

14 Q So approximately three years?

15 A Yeah. It's been long enough ago I might be 02:13PM
16 off a year when I started.

17 Q Do you understand, sir, that as an attorney
18 for the State of Oklahoma here today my position in
19 this litigation is adverse to that of your former
20 employer, Peterson Farms, Inc.? 02:13PM

21 A Yes, I do.

22 Q Do you have any -- well, let me ask it
23 differently. Are you employed in any capacity by
24 Peterson Farms today?

25 A No, I am not. 02:14PM

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1 Q What was your initial position with the
2 company and what duties did that position entail?

3 A I originally was hired by Peterson Farms to be
4 their director of corporate training. We had
5 trainers at the plant. We had trainers in the
6 hatcheries and other areas of the company that I
7 would supervise those people and get involved with
8 other training, things that were needed throughout
9 the company, other exercises.

02:14PM

10 Q Did your duties change during the period of
11 time you worked for Peterson?

02:14PM

12 A Yes, they did. I had been there probably
13 about, I don't know, three or four months and was
14 asked to attend a meeting at Simmons Foods in Siloam
15 Springs with Janet Wilkerson. Janet came to know me
16 a little better and understand that I had worked
17 with my father in a number of other companies in a
18 fertilizer business in Iowa, and because I knew a
19 little bit about fertilizer and crop production, she
20 thought maybe I could go to that meeting and
21 possibly shed some light on what was going on.

02:14PM

02:15PM

22 Q So did that lead to a change in your duties?
23 I think that's what you were explaining.

24 A Yeah, it did. Excuse me. After that meeting
25 and a couple of other subsequent meetings, they

02:15PM

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1 asked me to really take the lead in going to the
2 meetings and becoming involved with what was going
3 on between the City of Tulsa, the various state and
4 federal agencies and Peterson Farms.

5 MR. RIGGS: Excuse me. Did we have 02:15PM
6 somebody else join us by phone? I guess not.

7 Q Did you acquire a different job title?

8 A I was known then as the director of corporate
9 training and environmental affairs and then later on
10 was also -- had the title of personnel. 02:16PM

11 Q Okay. What were your duties at the time you
12 left the company?

13 A I had those three titles, director of
14 corporate training, director of environmental
15 affairs and director of personnel. 02:16PM

16 Q Okay. Can you give me a brief summary of your
17 educational background?

18 A Went to high school, went to just a short time
19 at a community college up in Iowa and then have
20 taken a number of courses, and that's really about 02:16PM
21 it.

22 Q Okay. You did not obtain a degree from --

23 A No.

24 Q -- a higher education?

25 A No. 02:17PM

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1 worked in my department, I had them track it, but I
2 don't recall, sir, what numbers we ended up with, if
3 we got 100 percent compliance or not.

4 Q Okay. Now, since Mr. Henderson says this
5 would be to help determine how many tons of litter 03:06PM
6 cannot be applied in the coming spring, we can
7 conclude from that I believe, do you agree with me,
8 that it had already been determined that too much
9 litter was being applied to pasture lands in 1998?

10 MR. McDANIEL: Object to the form. 03:06PM

11 A We felt as though because of the length of
12 time that poultry litter had been applied to many of
13 these pasture lands, that there very well could be
14 growers that had phosphate levels when they went in
15 to do their nutrient management plans that were in 03:06PM
16 excess of the threshold I had talked about and we
17 would need to know where they were going to have
18 excess tonnage so we could try and help them find a
19 home for it.

20 Q Okay. 03:07PM

21 MR. RIGGS: We'll take a break now.

22 VIDEOGRAPHER: We are now off the Record.

23 The time is 3:07 p.m.

24 (Following a short recess at 3:07 p.m.,
25 proceedings continued on the Record at 3:13 p.m.) 03:13PM

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1 VIDEOGRAPHER: We are back on the Record.

2 The time is 3:13 p.m.

3 Q Mr. Mullikin, before the break, in fact early

4 in your testimony you mentioned some of your duties

5 included training. Did you provide any training to 03:13PM

6 the flock supervisors at Peterson Farms?

7 MR. McDANIEL: Object to the form.

8 A Yeah. There was some training classes that

9 they would have attended.

10 Q What does the term flock supervisor mean to 03:14PM

11 you?

12 A I had never heard it used until today, so --

13 Q Okay. Field man, is that a term you are

14 familiar with?

15 A Uh-huh, uh-huh. 03:14PM

16 Q Was that the term used within Peterson to --

17 A I believe so.

18 Q What did the field man do for Peterson?

19 A He is responsible for a group of growers, got

20 involved with I guess feed supplements and best 03:14PM

21 practices within whatever it is that the growers do

22 to produce their flocks.

23 Q Okay. He's the guy who goes to the grower's

24 farm periodically to observe the flock to see how

25 well they're doing and make sure they're being taken 03:14PM

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1 care of properly?

2 A That's my understanding.

3 Q Is that position also referred to as a service
4 technician?

5 A I believe so. 03:15PM

6 Q Okay. When you did communicate with or
7 participate in training of these service technicians
8 or field men, did any of that training include
9 providing them information about protecting water
10 quality? 03:15PM

11 A I don't recall.

12 Q Did you provide them any kind of environmental
13 information?

14 A I don't recall specifically, no.

15 Q The article that we have been talking about, 03:15PM
16 which is Exhibit 1 to your deposition, I asked you I
17 think if it had been published. Let me ask you a
18 little more about that. Do you know if it was
19 circulated within the company, Peterson?

20 A I know that Janet Wilkerson saw a copy of it. 03:16PM

21 Q Okay. Do you know if anyone else did?

22 A No, I don't know.

23 Q Did you discuss it with her?

24 A I believe so.

25 Q Do you recall anything she had to say about 03:16PM

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1 Q Why did you feel, again, quoting your own
2 words, without any doubt that the company would be
3 found liable for the litter?

4 MR. McDANIEL: Object to the form.

5 A I felt that politically that was a decision 03:26PM
6 that would have been made because of those powers
7 pushing it that way, whether it was the EPA or the
8 City of Tulsa.

9 Q Next, let me direct your attention to the
10 second page. The next to the last paragraph where 03:27PM
11 you say, Dan, I feel the direction Peterson Farms
12 and all integrators would be best served to focus
13 its resources towards would be alternative uses.

14 Things such as using litter as bedding, feed,
15 fertilizer and fuel are just a few of the uses I've 03:27PM
16 found some information on. Each of these uses has
17 its own set of benefits and shortcomings, but they
18 all address the environmental need to stop applying
19 litter to our local pasture lands. In your position
20 as head of environmental affairs at Peterson Farms, 03:27PM
21 when you wrote that memorandum on March 27th, 1998,
22 why did you say that there was an environmental need
23 to stop applying litter to local pasture lands?

24 A Because, once again, of the loading of the
25 soils, the lands, the pasture lands of phosphates 03:28PM

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1 and then it getting into the waterways.

2 Q Did other people at the management level of
3 Peterson Farms agree with you that there was an
4 environmental need to stop applying litter to local
5 pasture lands?

03:28PM

6 MR. McDANIEL: Object to the form.

7 A I don't know if they agreed with that
8 paragraph or that sentence.

9 Q Did they ever express any disagreement with
10 it?

03:28PM

11 MR. McDANIEL: Object to the form.

12 A They raised questions and we had discussions,
13 primarily Miss Wilkerson and I, about those things.

14 Q Did Dan Henderson ever express any
15 disagreement to you with what you stated in this
16 memo to him?

03:28PM

17 MR. McDANIEL: Object to the form.

18 A I don't recall that he ever specifically said
19 he agreed or disagreed.

20 Q Did Vic Evans ever tell you whether he agreed
21 or disagreed with the opinions you put in this
22 memorandum?

03:29PM

23 MR. McDANIEL: Object to the form.

24 A I never met with Mr. Evans.

25 Q Was there any kind of dialogue going on within

03:29PM

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